

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS
7:00P.M.**

MON, APRIL 14, 2008

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Dr. Delishia Boykin Wilson, Bethel AME Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendation:

Honoring Reading Senior High Boys Basketball Team

Mayoral Proclamation:

In recognition of Fair Housing Month, accepted by Kim Talbot, Administrator Fair Housing and Human Relations Office

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

Tab 2. AGENDA: Council Meeting of April 14, 2008

Tab 3. MINUTES: Council Meeting of March 24, 2008

Tab 4. Consent Agenda Legislation

Resolution – Requesting the City of Reading and Met Ed install street lighting in the alleyway between the 1600 block of N. 15th Street and Palm St (**Councilor Marmarou**)

Award of Contract – to URDC (Urban Research and Development Corporation for the preparation of a Zoning Ordinance, SALDO and Official Map for the City of Reading, at a cost not to exceed \$53,600. (**Purchasing**)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

Tab 5. ORDINANCES FOR FINAL PASSAGE

Bill No. 21- amending the City of Reading Codified Ordinances, Chapter 6 – Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. (**Chief of Police-Council Staff**) *Introduced at the 02/11/08 Regular*

Meeting; tabled at the 02/25/08 Regular Meeting; Scheduled for discussion at the 4-7 Public Safety Meeting; Discussed at 4-7 Pub Safety Committee

Bill No. 26 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund **(Council Pres. Spencer- Council Staff)** *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee*

Bill No. 30 – amending Chapter 20 Part 1 Solid Waste of the City of Reading Codified Ordinances by defining the term limit of the members of the Solid Waste Board of Appeals **(Council Staff)** *Introduced at the March 24 regular meeting of Council*

**Pending
Advertisement and Public Hearing Required by MPC
Notice of Pending Ordinance Doctrine**

Ordinance- amending the Zoning Ordinance and Zoning Map by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975. **(Councilor Fuhs)** *Introduced at the March 10 regular meeting*

Ordinance – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts **(Councilor Marmarou & Council Staff)** *Introduced at the March 24 regular meeting of Council*

Pending additional information needed

Ordinance – authorizing the widening of the public right of way in the 200 block of Grape Street **(Planning)** *Introduced at the March 24 regular meeting of Council*

Tab 6. INTRODUCTION OF NEW ORDINANCES

Ordinance – providing a cost of living increase to the Fire Pensioners retiring before January 2000 and their beneficiaries **(Fire Pension Board & Council Staff)**

Ordinance – amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries (**Pension Administrator and Council Staff**)

Ordinance – amending the Police Pension Ordinance by adding language regarding beneficiaries to provide clarification (**Pension Administrator and Council Staff**)

Ordinance – amending the City of Reading Codified Ordinances Chapter 21 – Streets and Sidewalks by increasing fees and making corrections as noted herein. (**Public Works Engineering and Council Staff**)

Tab 7. RESOLUTIONS

Resolution – authorizing the submission of a letter to the federal Office of Economic Adjustment requesting that the City be named as successor to the Berks County Local Redevelopment Authority (LRA) (Council Staff)

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, April 14th

Meeting with the Mayor – Mayor’s Office at 4:00 p.m.

Committee of the Whole – Council Office at 5:00 p.m.

Regular Meeting – Council Chambers at 7:00 p.m.

Monday, April 21st

Meeting with the Mayor – Mayor’s Office at 4:00 p.m.

Administrative Oversight and Land Use Committee – Council Office at 5:00 p.m.

Public Works Committee – Council Office at 5:00 p.m.

Work Session – Penn Room at 7:00 p.m.

Monday, April 28th

Meeting with the Mayor – Mayor’s Office at 4:00 p.m.

Committee of the Whole – Council Office at 5:00 p.m.

Regular Meeting – Council Chambers at 7:00 p.m.

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, April 14

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood and Playground Assn – 6th & Amity Field House – 6:30 pm

Charter Board – Penn Room – 7 pm

Tuesday, April 15

Council of Neighborhoods – 11th & Pike Rec Center – 7:30 p.m.

HARB – Planning Conference Room – 7:30 p.m.

Wednesday, April 16

Officers and Employees Pension Board – Penn Room – 1:30 p.m.

Redevelopment Authority – Planning Conference Room – 5:30 p.m.

Community Hope of the 6th Ward – Lauer's Park – 6:30 p.m.

UNO – Mennonite Church – 7:00 p.m.

Centre Park Historic District – Member's home – 7:30 p.m.

Thursday, April 17

Convention Center Authority – Sovereign Center CEI Lounge – 7 a.m.

Southeast People's Voice – St. John's UCC – 6:00 p.m.

Mulberry & Green Citizens Committee – St. Luke's Church – 6:30 p.m.

Friday, April 18

Fire Pension Board – Penn Room – 10:00 a.m.

Monday, April 21

Library Board – 113 S 4th St – 4:00 p.m.

Tuesday, April 22

Housing Authority Workshop – WC Building – 4:00 p.m.

Housing Authority – WC Building – 5:00 p.m.

Human Relations Commission – Penn Room – 5:00 p.m.

Dare2Care – Bethel AME Church – 5:30 p.m.

Library Area Neighborhood Assn – Unitarian Church – 6:30 p.m.

District 7 Crime Watch – Holy Spirit Church – 7:00 p.m.

Wednesday, April 23

Parking Authority – Parking Authority Office – 5:00 p.m.
District 6 Crime Watch – 13th & Green Elementary School – 6:30 p.m.
Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 p.m.
18th & Cotton Community Crime Watch – St. Matthew's UM Church – 7:00 p.m.
Northeast Crime Watch – Northeast Library – 7:00 p.m.
Stadium Commission – Stadium RBI Room – 7:30 p.m.

Thursday, April 24

Water Authority – Penn Room – 4:00 p.m.

Monday, April 28

DID Authority – Reading Eagle 3rd floor conference room – 12:00 p.m.
BARTA – BARTA Office – 3:00 p.m.
Park and Recreation Committee – Pendora Fieldhouse – 6:00 p.m.
Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 p.m.
Charter Board – Penn Room – 7:00 p.m.
Penn's Commons Neighborhood Group – Penn Commons Meeting room – 7:00 p.m.

City of Reading City Council

Regular Meeting Monday, March 24, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Efrain Ortiz, of St. Paul's Church of God.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5
Council J. Waltman, District 6
Mayor T. McMahon
Finance Director, R. Hottenstein
City Solicitor C. Younger
City Auditor D. Cituk
City Clerk L Kelleher
Public Works Director C. Jones
Chief of Police W. Heim
Sgt. at Arms Capt. R. Shafer

PROCLAMATIONS AND PRESENTATIONS

A Council Commendation was issued to St. Constantine and Helen Greek Orthodox in celebration of Greek Independence Day.

PUBLIC COMMENT

Council President Spencer announced that four residents were registered to address Council on non-agenda matters. He inquired if Council wished to

suspend a portion of the public speaking rules to allow them to comment at this point in the meeting. As no one objected, comment on non-agenda matters was permitted at this point in the meeting. Council President Spencer reminded those registered to address Council of the remaining public comment rules.

Mike Feeney, of N. 4th Street, requested that Council consider readdressing the issue of funeral parking. He expressed the belief that Council's prior decision, to leave current ordinances stand, is not based on fact. He described the practices used in Allentown and Lancaster. He expressed the belief that the application of parking ordinances to funeral services places another nail in the City's economic development coffin.

Ron Lyons, of Moss St, representing AFSCME 2763, stated that the recent rumor that there will be 50 – 70 position layoffs has created deep fear with City employees. He stated that the conclusion of the AFSCME contract negotiations he believed there was a new spirit of cooperation with the current administration. This feeling of cooperation was short-lived as rumors of layoffs began before the contract was signed by the Administration.

Ruth Sassaman, representing AFSCME 2763, stated that the high morale brought with the new AFSCME contract ended when rumors of layoffs began. She noted the various inconsistencies that exist between management employees and the average City worker who provides direct public service. She stated that extensive layoffs will only damage the City's ability to provide basic public services to its residents.

Bill Woolworth, of N. 8th Street, stated that, although the City has not raised property taxes in a number of years, there have been broad increases to EIT, Real Estate Transfer Tax, and other assorted fees for services and licenses. He noted the progress brought by development around the 2nd and Washington area and asked Council and the Mayor to consider the overall impact of all these fee and tax increases before increasing property taxes.

APPROVAL OF AGENDA

Council President Spencer asked Council to consider the agenda for this meeting, including the legislation listed under the consent agenda heading, and the minutes from the March 10, 2008 regular meeting of Council.

Ms. Kelleher noted the need to withdraw the resolution appointing the acting managing director and add a resolution concerning the Medical Arts Building.

Councilor Fuhs moved, seconded by Councilor Waltman, to approve the agenda, as amended, including the legislation listed under the consent agenda heading and the minutes from the March 10, 2008 regular meeting of Council. The motion was approved unanimously.

CONSENT AGENDA

Award of Contract – to EJB Paving for the furnishing of bituminous materials and asphalt cements for pick up/delivery for the Department of Public Works and the Reading Area Water Authority (**Purchasing**)

Award of Contract – authorizing the mayor to execute a contract for animal control services (**Managing Director**)

Resolution – authorizing the submission of an application for a PA DCNR Community Conservation Partnerships Program Grant to request 50% funding in the amount of \$18,000 (total project cost \$36,000) to complete a trail connection at the Angelica Creek Trail. (**Public Works Dept**)

Resolution – authorizing the submission of an application for a PA DCNR Community Conservation Partnerships Program Grant to request 50% funding in the amount of \$100,000 (total project cost \$200,000) for the rehabilitation of Northmont Playground. (**Public Works Dept**)

Resolution – requesting the installation of street lights and/or street light upgrades in the following neighborhoods:

- The alleyway between the 1600 Block of Olive Street and Hampden Boulevard
- The alleyway between the 1500 Block of North 15th Street and Hampden Boulevard
- The alleyway behind the 500 Block of North 2nd Street, between Hudson and Greenwich Streets
- In the 1700 Block of North 10th Street
- In the area between Schuylkill Avenue & North Front Street and Walnut and Buttonwood Street

ADMINISTRATIVE REPORT

Finance Director Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- The upcoming Commerce Bank Triple Crown of Cycling race scheduled for June 5 and the necessary adjustments to parking and trash and recycling programs
- The Health Fair scheduled for Saturday, March 29 at the Southeast Branch Library

Councilor Goodman-Hinnershitz noted the need to educate Reading citizens about the schedule changes caused by the bike race.

Councilor Fuhs inquired about the impact the County Commissioner's failure to approve the exemption of County taxes for the Goggleworks Apartments will have on this development project. Mayor McMahon described the efforts of Albert Boscov to address this issue.

Councilor Fuhs asked the Administration to intervene with the Reading Parking Authority on funeral parking regulations. He suggested a gentler approach be adopted.

Councilor Waltman agreed with the need to reconsider the funeral parking issues and suggested that the body of Council consider reviewing existing legislation and its application.

Councilor Sterner expressed the belief that this issue is being blown out of proportion by Mr. Feeney. He highlighted the discussion on this issue at the last Public Safety meeting with Chief Heim, Parking Authority executive director Larry Lee and authority member Donna Reed. He noted that if this is such a large problem why it has not been raised before.

Councilor Goodman-Hinnershitz agreed noting that at the Public Safety meeting it was agreed that funeral directors should designate a parking coordinator for each funeral event. She agreed with the need to apply a sensitive public safety approach that does not cause the issue to escalate.

Council President Spencer, referring to the resolution on the consent agenda for a PA DCNR community conservation grant requesting a 50% matching grant for Angelica for the Angelica project, inquired which party will be providing the matching grant. Public Works Director Jones replied that the Conservancy will provide the matching funds.

Council President Spencer asked Mr. Jones about the cost of maintaining the Schuylkill River trails. Mr. Jones replied that the Schuylkill River trail group is assisting with the maintenance.

Public Works Director Jones explained that the application of a PA DCNR community conservation partnership program grant for the rehabilitation program for Northmont playground is a 2009 project.

Council President Spencer inquired about the salary for the acting managing director. Mayor McMahon stated that Mr. Hottenstein will receive an increase of \$2,500 per month. The interim service is expected to last 3 - 4 months.

Council President Spencer questioned the Administration's ability to tow vehicles immediately for the bike race when other towing issues are delayed by 30 days.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report provided to Council at the meeting covering the following:

- 2008 Admissions Fee Tax collections
- 2008 Real Estate Transfer Tax collections
- Intent to provide reports on the following:
 - 2007 unemployment compensation
 - 2007 fire escrow audit
 - 2007 DCED financial report
 - 2007 traffic fines and codes
 - 2008 tax exempt properties
 - progress report on 2007 external audit

ORDINANCES FOR FINAL PASSAGE

Bill No. 26-2008 - an Ordinance amending the Codified Ordinances of the City of Reading, Chapter 1 - Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review*

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 26-2008.

Bill 26-2008 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President - 7.

Nay: None – 0.

Council President Spencer announced that this ordinance will be reviewed at the April 7 Finance Committee meeting.

Bill No. 27-2008- amending the Codified Ordinances of the City of Reading, Chapter 1, Part 5, Section “N” – Citizens Environmental Advisory Board, by changing the name of the Environmental Advisory Board to Environmental Advisory Council. **(Environmental Advisory Board/Council Staff) *Introduced at the March 10 regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to enact Bill 27-2008.

Councilor Goodman-Hinnershitz stated that this change was requested by the Environmental Advisory Board. The change will allow them to participate in activities with the State Environmental Advisory Council and be eligible for grants through the State Environmental Advisory Council.

Bill 27-2008 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 28-2008 - authorizing a reallocation in the amount of \$5,000.00 from the City Council Salary line item to the City Council Community Promotions line item and authorizing that sum to be transferred to Baseballtown Charities **(Councilor Marmarou & Council Staff) *Introduced at the March 10 regular meeting***

Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill 28-2008.

Councilor Marmarou explained that as a retiree of the Reading Police Department he receives a City pension making him ineligible to receive his \$5,000 per year stipend. Last year Council, as a body, elected to transfer this annual \$5,000 stipend from the Council office budget to Public Works to increase the salaries of some part time workers who had not received a salary increase for quite some time. This year he asks Council to consider making a donation equal to the \$5,000 stipend to Baseballtown Charities which works to support City youth.

Council President Spencer noted his agreement with transferring this \$5,000 stipend to benefit the youth community.

Bill 28-2008 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 29-2008 - Amending Chapter 21 - Streets and Sidewalks – in the City’s Codified Ordinances to provide enforcement powers to Engineering Office of Public Works. **(Public Works Dept & Solicitor) *Introduced at the March 10 regular meeting***

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 29-2008.

Public Works Director Jones explained that the enactment of this ordinance will provide the City’s engineering office with the ability to enforce the Streets and Sidewalks ordinances. He stated that providing this enforcement power will allow staff to seek improvements to badly damaged sidewalks throughout the City.

Bill 29-2008 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – amending Chapter 20 Part 1 Solid Waste of the City of Reading Codified Ordinances by defining the term limit of the members of the Solid Waste Board of Appeals **(Council Staff)**

Ordinance – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts **(Councilor Marmarou & Council Staff)**

Ordinance – authorizing the widening of the public right of way in the 200 block of Grape Street **(Planning)**

RESOLUTIONS

Resolution 27-2008 - authorizing the Mayor to execute an operating agreement between the City of Reading and the Redevelopment Authority, stipulating the reimbursement to the Authority, by the City, for all expenses associated with the employment of a fulltime Executive Director. **(Solicitor)**
Tabled at the 02/25/08 Regular Meeting; discussed at 3-10 Committee of the Whole meeting – additional negotiation requested

Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution 27-2008.

Council President Spencer and City Solicitor Younger explained that the adoption of this resolution will allow the execution of an operating agreement with the Redevelopment Authority and will reimburse the Redevelopment Authority for expenses associated with the appointment of an executive director and other redevelopment expenses.

Mayor McMahon expressed the belief that this move will improve the City's focus on economic development issues.

Finance Director Hottenstein noted that further negotiation of the agreement as requested by City Council has limited the City's financial exposure to a maximum of \$120,000 per year.

Councilor Goodman-Hinnershitz noted the work of City Council, Council staff and the Administration to refine this operating agreement. She noted the benefit by reducing the term of the agreement from ten years to two years.

Resolution 27-2008 was adopted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: Fuhs – 1.

Award of Contract - to retain the services of CelPlan/Wi4Net, of Reston, VA for the installation of a video safety network for the Police Department at a total submitted price of approximately \$1,486,668.76 This price includes the baseline price, various options, the expenses for years two through five, and 10 percent (10%) contingencies. **(Purchasing)**

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the award of contract to CelPlan/Wi4Net for the installation of a video safety

network.

Chief of Police Heim explained that funding from the following agencies assisted the City in moving forward with this project:

- \$1.7 million from the federal government (Senator Spector and Congressman Gerlach)
- \$400,000 from the City's general fund
- Weed and Seed contribution for cameras installed in the appropriate areas
- \$100,000 from the DCED

Council President Spencer inquired if any of this money is currently in hand. Mayor McMahon explained that the City is processing the necessary paperwork and it is believed that the funding promised will be received after the paperwork is submitted.

Councilor Goodman-Hinnershitz noted that grant funding is set up to either be drawn down as expended or reimbursed after expended. Chief Heim explained that the grant for this project will be the drawn down style allowing the City to expend money directly from the grant account. He noted that this project will be a mix of wireless and hard-wired cameras.

The award of contract to CelPlan/Wi4Net at a bid price of \$1,486,668.76 was approved by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Resolution 36-2008 - authorizing the administration to negotiate and execute a professional services agreement with Black & Veatch Corporation, of Philadelphia, for design and related services for the Wastewater Treatment Plant Upgrades Project for a maximum not to exceed price of \$12,954,355 and authorizing the issuance of an Advanced Notice to Proceed to allow certain critical, time sensitive design activities to begin before a contract is executed. **(Public Works Director) *Tabled at the March 10 regular meeting; Discussed at the 3-25 Committee of the Whole Meeting***

Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution 36-2008.

Public Works Director Jones recommended approving the resolution to allow the design phase of the waste water treatment plant upgrade project to begin.

Resolution 36-2008 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 6.

Nay: Spencer President – 1.

Resolution 39-2008 – expressing support for Senate Bill 777, which would allow local municipalities to choose how to collect their delinquent real estate taxes and enable them to utilize the Municipal Claims and Tax Liens Act, 53 P.S. §7101 et. seq., to pursue such tax claims **(Solicitor) Tabled at the March 10 regular meeting; Discussed at the 3-25 Committee of the Whole Meeting**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 39-2008.

Council President Spencer stated that if adopted this Senate Bill will amend the Municipal Claim and Tax Lien Law to assist School Districts, Cities, Townships, and Boroughs to collect delinquent real estate taxes and municipal fees such as garbage, recycling, landlord licensing and inspection fees. This bill will also clarify a municipality's ability to use third party collection firms to collect delinquent taxes and fees.

Councilor Fuhs noted that this Senate Bill was introduced April 2007 and has been stuck in Committee ever since. He stated that he will not support the adoption of this resolution as it is unknown why the State legislature has kept the Bill in committee.

Councilor Goodman-Hinnershitz noted that, at times, local support for different State legislation can spur action at the State level.

Resolution 39-2008 was adopted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.

Nay: Fuhs – 1.

Resolution 46-2008 – authorizing the Mayor to enter into and execute document including an inter-creditor agreement to effect the assumption of a third party purchase of 230 N. 5th Street of the outstanding principal and balance of William M. McMahon Jr. and Judith A. McMahon owed to the City of Reading in the amount of \$250,000

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 46-2008.

City Solicitor Younger explained that the adoption of this resolution will allow the City to maintain its second lien position on the FRED loan with the Medical Arts Building.

Councilor Fuhs stated that he will not support this resolution as the continuation of this loan is not in the best interests of the City's taxpayers. Council President Spencer agreed with Councilor Fuhs' position.

Councilor Waltman expressed the belief that the approval of this agreement will allow continued rehabilitation of the building. He noted that the agreement is not a perfect solution but a reasonable compromise that will allow the building to be rehabilitated and occupied.

Councilor Goodman-Hinnershitz agreed that the adoption of this agreement is in the best interest of this historical building.

Councilor Sterner also noted that he will not support the adoption of this resolution as it does not serve the City's best interests.

Resolution 46-2008 was adopted by the following vote:

Yea: Fuhs, Goodman-Hinnershitz, Marmarou, Waltman – 4.

Nay: Fuhs, Sterner, Spencer President – 3.

Resolution 47-2008 – appointing Dale Gresh to the Shade Tree Commission (**Administrative Oversight and Land Use Committee**)

Resolution 48-2008 – reappointing O. Christopher Miller to the Historical Architectural Review Board (**Administrative Oversight and Land Use Committee**)

Resolution 49-2008 – reappointing Laura James to the Historical Architectural Review Board (**Administrative Oversight and Land Use Committee**)

The Administrative Oversight and Land Use Committee moved to adopt Resolution 47-2008, 48-2008 and 49-2008.

Councilor Waltman stated that these three applicants were interviewed at the March committee meeting. He noted the commitment and desire of the applicants to get involved and work to improve the City.

Resolutions 47-2008, 48-2008 and 49-2008 were adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

COUNCIL COMMENT

Councilor Goodman-Hinnershitz suggested further review of the funeral parking issue.

Councilor Goodman-Hinnershitz noted two upcoming District 2 community Easter egg hunts. She also noted the outbreak of graffiti problems and litter in the 1300 block of Perkiomen Ave. She requested the Administration's assistance in correcting the situation.

Councilor Marmarou agreed with a previous statement by Councilor Sterner noting that the problem with funeral parking is being overblown by one of the City's nine facilities that provide funeral services. He stated that in the course of his life, he has attended many funerals and has never experienced the type of problem described by Mr. Feeney.

Councilor Fuhs thanked the Greek community and St. Constantine and Helen Greek Orthodox Church for their continued support and friendship.

Councilor Baez noted the upcoming Glenside community group meeting.

Council President Spencer explained that his negative vote on the Medical Arts Building was based on his belief that the building could be taken and rehabilitated by the Reading Redevelopment Authority.

Councilor Waltman moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk

RESOLUTION NO. _____-2008

REQUESTING THE CITY OF READING AND MET ED INSTALL STREET LIGHTING IN THE ALLEYWAY BETWEEN THE 1600 BLOCK OF N. 15TH STREET AND PALM ST.

WHEREAS, the alleyway between the 1600 block of North 15th Street and Palm Street is without street illumination, thereby creating a haven for illegal activities such as repeated thefts and use which imperils the safety of this community; and

WHEREAS, this alley serves as a means of egress for resident garages and is necessary for safely navigating vehicles; and

WHEREAS, the safety of children playing and small pets are in danger of harm and those walking through this alley feel vulnerable; and

WHEREAS, through the reallocation of Community Development Block Grant Funds and the City's positive partnership with Met Ed, several City neighborhoods have received new and upgraded street lighting.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Requesting that Traffic Engineering determine the appropriate locations for the installation of street lights in the alleyway between the 1600 block of North 15th and Palm Streets and then take any and all steps with Met Ed to ensure the installation of the street lights to protect the safety of this neighborhood

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk

Councilor Stratton Marmarou

BILL NO. _____ 2008
AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 6 CONDUCT BY CREATING A NEW PART 8 CANVASSING AND
SOLICITATION, REQUIRING A PERMIT FOR CANVASSING AND
SOLICITATION TO PROTECT THE SAFETY, HEALTH AND WELFARE OF
THOSE WHO LIVE AND VISIT THE CITY OF READING.**

Whereas, there is no absolute right under the United States Constitution to enter on the premises of another and police powers permit reasonable regulation for health and safety, and

Whereas, unlicensed solicitation and canvassing by unregistered solicitors and canvassers creates health and safety hazards for City residents and visitors and exposes residents and visitors to fraud; and

Whereas, the City of Reading City Council enacts this legislation to provide reasonable and fair regulation for solicitation and canvassing to protect residents and visitors against crime and undue annoyance.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 6 Conduct be creating a new Part 8 – Canvassing and Solicitation to protect the public safety, health and welfare of all in our community as attached in Exhibit A.

SECTION 2. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

EXHIBIT A

CHAPTER 6

PART 8 CANVASSING AND SOLICITATION

SECTION 6-801. PURPOSE

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by regulating solicitation and canvassing. The citizens and visitors to the City of Reading are subject to unregulated solicitation and canvassing by sometimes questionable people and organizations in a hazardous manner and in vulnerable locations such as their own residence. It is the purpose of this Ordinance to regulate solicitation and canvassing in the City of Reading to protect the public health, safety and welfare.

SECTION 6-802. DEFINITIONS

A. Definitions. The following words as used in this Ordinance shall have the following meanings:

1. *Applicant* shall mean the person or organization seeking a permit.
2. *Canvassing* shall mean the act of going from residence to residence throughout the City of Reading to solicit votes or orders; to conduct a survey (public opinion) or poll; or, to conduct an uninvited detailed discussion, whether on foot or by use of vehicle.
3. *Chief of Police* shall mean the Chief of the City of Reading Police Department or his designee.
4. *Solicitation* shall mean the act of going from residence to residence asking for donations of money; tickets for money and coupon books for money; or, selling items for money with or without the distribution by such Solicitor or Canvasser of literature, samples, free gifts or other materials within the City of Reading and whether on foot or by use of vehicle.
5. *Solicitation and Canvassing Period* shall mean a period not to exceed seven calendar days.
6. *Organizer* shall mean the person responsible for organizing the solicitation or canvassing activity and whose name shall be on the application.
7. *Permit* shall mean written authorization dispensed by the Chief of Police or his designee which allows the solicitation and canvassing activity and specifies the given solicitation and canvassing period.
8. *Recognized Youth Organization* shall mean a national, state or local youth group having specific structure, responsibilities and united for a particular purpose.
9. *Residence* shall mean and include every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

SECTION 6-803. PERMIT REQUIREMENTS

A. General. The City of Reading prohibits any person or organization from conducting solicitations and canvassing of residences without a permit. It shall be a violation of this Ordinance to engage in solicitation and canvassing without a permit or otherwise not in accordance with the terms of this Ordinance and the permit requirement.

B. Permit Required. Every person, prior to engaging in activity as a Solicitor or Canvasser, whether acting on his or her own behalf, as principal, or as the employee or agent of another, shall apply for and obtain a permit as hereinafter provided:

1. **Application.** All requests for a permit must be provided to the Chief of Police or his designee at least ten (10) business days but no more than sixty (60) calendar days prior to the date of the requested activity. The Chief of Police or his designee shall issue a decision within three business days of the application being filed. The Chief of Police,

for good cause shown, shall have the authority to consider any application under this section which is filed less than ten business days before the date such event is proposed to be conducted, provided the Chief of Police or his designee shall have adequate time to conduct the investigation. An application and permit shall be required for each solicitation and canvassing period.

2. Required Information. All applications for permits must include at a minimum the following information and shall be signed by the Organizer(s):

(1) Name(s). The name(s) of the person(s) making application for solicitation or canvassing within the City of Reading;

(2) Address. The permanent address and local address, if any, of each Organizer;

(3) Physical features of applicant(s) including height, weight, age, sex, race, and social security number of each for background check purposes;

(4) Photocopy of driver's license or other official photo identification of each Organizer;

(5) Description of the proposed solicitation or canvassing activity, and purpose for activity (i.e., use of funds);

(6) Specific location(s) for solicitation or canvassing activity, including specific houses targeted, and number of solicitors or canvassers at each such location;

(7) Dates and times of solicitation or canvassing activity;

(8) Names of all participants proposed to be solicitors or canvassers, and their ages. If any solicitors or canvassers are under 18, the names and addresses of adult supervisors; one adult supervisor per four solicitors or canvassers under age 18 is required;

(9) The application shall contain a statement that the submission of the application shall be considered to be consent by each Organizer for a background check to be run by the Chief of Police at his discretion on any person named on the application and a statement that all information contained thereon is true and correct; and

(10) Any additional information the Chief of Police may find reasonably necessary for a fair determination as to whether the proposed event will endanger public health, safety or welfare.

C. Investigation. The Chief of Police or his designee shall review the application for completeness and compliance with the terms of this Ordinance. The Chief of Police shall check to see if there are any records of complaints against the applicant in the records of the Police Department or the NCIC crime database system. The Chief of Police may, at his discretion, conduct a background check of the Organizers. The Chief of Police may, at his discretion, make any other inquiries he deems necessary for the investigation of the applicant or the Organizers.

D. Decision. The Chief of Police may grant, deny, or grant a restricted permit. The Chief of Police shall issue a permit as provided in this Ordinance from a consideration of the application and from such information as may otherwise be obtained, unless he finds that any or all of the following apply:

1. The Applicant or any Organizers or participants have any criminal complaints pending against them, or have a criminal record involving crimes of theft, fraud, or other moral turpitude;
2. The Chief of Police has reason to believe that the request for the solicitation or canvassing activity is of a fraudulent nature;
3. The conduct of the solicitation or canvassing activity is contrary to the public's health, safety or general welfare; or
4. The application was not complete, or the application or permits requested are not fully in compliance with the requirements of this Ordinance.

The Chief of Police shall indicate on the application review form all reasons for rejection of the application.

E. Location and Times

1. Prohibited Times. No solicitation or canvassing shall be allowed before 9:00 a.m. or after 7:00 p.m. Sunday through Saturday.

2. Locations. Solicitation and Canvassing shall be permitted in all areas where residential use is permitted.

3. Duration. A solicitation or canvassing activity may last no longer than seven days. A separate permit shall be required for each additional solicitation and canvassing period.

F. Permit. The Chief of Police shall indicate on the permit the permitted activities, locations, and duration of the permit. The Chief of Police may approve a smaller or

shorter duration than requested; may reduce the number of solicitors or canvassers; may approve a different location; or, may generally make any other adjustments he believes necessary to the application to serve the public health, safety and welfare. The signed permit is to be kept on-site and in the possession of all Organizers at all times that solicitation or canvassing is underway. If multiple locations are involved, a permit copy shall be kept at each location by each Organizer. Permits shall be displayed at the request of any citizen or law enforcement personnel.

G. Non-Content Based Review. The content of the message of any applicant, their beliefs, the identification of the participants, or any other matter which does not directly impact on the public health, safety, and welfare, shall not be relevant to the determination of whether to grant or deny a permit.

H. Special Requirements.

(1) There shall be no physical contact by the solicitor or canvasser with anyone being solicited or canvassed without the person's consent. This shall be deemed to include not only physical force or restraint but also the act of placing objects on the person or clothing of the solicitee.

(2) Solicitors and canvassers shall not occupy a fixed location on any public sidewalk or street. There shall be no interference with or blocking of movement or any pedestrian or vehicle by any solicitor or canvasser.

(3) A solicitor or canvasser shall not be permitted to make or cause to be made any loud noise to attract attention or for any other purpose. Such noises may include, but shall not be limited to, shouting, use of loud speakers, horns, drums, musical instruments or other sound devices.

(4) A solicitor or canvasser who is conducting such activity on private property, which is not open to the public, shall immediately leave such premises on request of any lawful occupant thereof.

SECTION 6-804. RESPONSIBILITY FOR PAYMENT OF TAXES. It shall be the responsibility of every solicitor or canvasser given a permit under this Ordinance to pay to the City of Reading Tax Administration the proper taxes, including business privilege and income taxes, for himself or any employee on income earned as a result of the soliciting or canvassing.

SECTION 6-805. APPEALS

A. Appeals. Any person aggrieved by the denial or restriction of a permit shall have the right to appeal the denial or restriction to the City of Reading City Council. A written appeal shall be filed with the City Clerk within ten (10) days after the denial or restriction is received.

B. Procedure. The Chief of Police shall appear and present his case and evidence as to why the application was denied. The Applicant shall have the opportunity to present his or her case and evidence in support of the application. The hearing shall be conducted as a evidentiary proceeding.

C. Standard of Review. City Council, keeping in mind the purpose of this Ordinance, the substantive provisions, and giving deference to the judgment of the Chief of Police, shall make a determination as to whether the denial or restriction was lawful and in the interests of the public health, safety and welfare, or whether the permit should be issued or modified. If the latter, City Council shall enter an order providing guidance as to the location, time, persons, and other criteria of this Ordinance. City Council shall render a decision within ten (10) days after the hearing.

SECTION 806.VIOLATIONS, ENFORCEMENT, PENALTIES

A. Revocation of Permit. The Chief of Police or his designee is hereby authorized to revoke a permit issued under this Ordinance under the following circumstances:

1. If the Organizer is convicted of a felony during the solicitation and canvassing period;
2. If the Chief of Police or his designee determines that the goods or items being sold or distributed are unsafe, harmful or misrepresented to the public;
3. If it is determined that the Organizer has given false information on the application;
4. If the Organizer fails to abide by any of the provisions of this Ordinance; or
5. If the Chief of Police becomes aware of illegal or unauthorized activity and the revocation of said permit is required in the best interests of public health, safety and welfare.

B. Persons soliciting without a permit or in violation of the permit shall be cited with a citation for prosecution in the Magistrate District Judges Court, in accordance with the requirements of law for such citations. All City of Reading Police Officers are authorized to issue such citations.

C. Any person, organization, business or entity in violation of the provisions of this Ordinance is subject to a fine of up to three hundred dollars (\$300.00) per day per violation per individual participant. The minimum fine shall be \$50.00 per day per violation per individual participant.

D. Any person, organization, business or entity found guilty of violating this Ordinance may not be issued a permit for a two-year period from the date of the violation. Upon second offense, the person, organization, business or entity found guilty of violating this Ordinance shall be banned from further solicitation or canvassing in the City of Reading.

E. The City Solicitor shall be authorized to seek injunctive relief and other relief in a court of competent jurisdiction if necessary to effectuate the intent of this Ordinance. The City of Reading shall be entitled to seek civil fines in the amounts specified above and shall be entitled to its attorney's fees for any successful action.

SECTION 6-807. EXEMPTIONS

This Chapter shall not apply to recognized youth organizations; political candidates for public office, or their workers; solicitation of donations by mail, either the solicitation of money or canvassing, as otherwise defined herein, from personal acquaintances of the person engaging in the activity, persons who solicit for or on behalf of religious organizations, or in pursuit of religious beliefs and activities. A permit is not required for any solicitation or canvassing activity sponsored or conducted by City of Reading or its departments and agencies, nor by any municipality or government agency in the City, such as fire-fighter or police department fundraisers or other similar collections.

SECTION 6-808. SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid.

SECTION 6-809 REPEALER

This Ordinance repeals any prior ordinance or resolution in conflict herewith, except to the extent that said ordinance or resolution is more restrictive than this Ordinance, in which case that ordinance or resolution shall control.

BILL NO. _____-2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING CHAPTER 1 – SECTION 1-186, 3, G BY ADDING A NEW (3) REQUIRING COUNCIL APPROVAL FOR ALL EXPENDITURES, TRANSFERS AND ALLOCATIONS FROM AND TO ANY AND ALL AGENCY FUNDS AND ANY AND ALL LINE-ITEMS LOCATED IN THE DEPARTMENTAL: NON DEPARTMENTAL AREA OF THE GENERAL FUND.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading Chapter 1, Section 1-186, 3, G by adding a new (3) shown below:

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the Managing Director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:

(1) Expenditure procedures.

- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between departments.
- (4) Administration of petty cash funds.

E. *Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [Ord. 36-2000]

F. Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$25,000. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [Ord. 36-2000]

G. Requiring City Council approval, via ordinance, for the following:

- (1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
- (2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.

(3) All expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

B I L L N O. _____-2008
A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE AND MAP BY CHANGING THE R-3 ZONING DESIGNATION TO AN R-1 ZONING DESIGNATION IN COUNCIL DISTRICT 1 TO INCLUDE PARCELS WITH THE PERSONAL IDENTIFICATION NUMBERS 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance and Map of the City of Reading is amended to by changing the R-3 zoning designation to an R-1 zoning designation in Council District 1 to include parcels with the personal identification numbers (PIN) 530654145536, 530653140352, 530653036926, 530653033998, 530661035444, 530654149617, 530646158196, 530646158196, 530646155975.

SECTION 2. All other provisions of the City of Reading Zoning Ordinance of the City of Reading shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Councilor Fuhs & Council Staff)

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 27 ZONING BY PROHIBITING RENTAL USES IN AREAS ZONED R-1,
R-1A and R-2.**

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning by prohibiting rental uses in all R-1, R-1A and R-2 zoning districts.

SECTION 2. Requiring all existing rental properties in R-1, R-1A and R-2 zoning districts to register their property's pre-existing, non-conforming status before July 1, 2008. Registering the property by the stated date will allow the property to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the property must be converted to a use permitted in the zone within 6 months.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

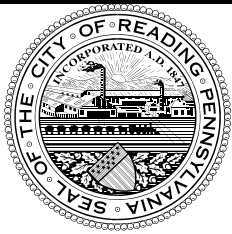
Enacted _____, 2008

President of Council

Attest:

City Clerk

(Councilor Marmarou & Council Staff)



AGENDA MEMO

CITY COUNCIL STAFF

TO: Council President Spencer and City Council

FROM: Shelly Katzenmoyer, Deputy City Clerk

MEETING DATE: March 25, 2008

AGENDA MEMO DATE: March 10, 2008

RECOMMENDED ACTION:

To approve an Ordinance defining the term limit of the members of the Solid Waste Board of Appeals

BACKGROUND: In August 2007 Council enacted an Ordinance creating the Solid Waste Board of Appeals.

In February 2008, a member of the community applied to serve on the Solid Waste Board of Appeals. During the background phase, it was discovered that the Ordinance did not set the term limit of community members. This amendment will set the term at three years. The remainder of the Ordinance remains unchanged.

BUDGETARY IMPACT: None.

RECOMMENDED BY: City Council Staff

RECOMMENDED MOTION: To enact the amendment to the Codified Ordinances defining the term limit of the citizen members of the Solid Waste Board of Appeals.

BILL NO. _____-2008

AN ORDINANCE AMENDING CHAPTER 20 PART 1 SOLID WASTE OF THE CITY OF READING CODIFIED ORDINANCES BY DEFINING THE TERM LIMITS OF THE MEMBERS OF THE SOLID WASTE BOARD OF APPEALS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 20 Part 2 of the City of Reading Codified Ordinances is hereby amended as follows:

§20-107 Administrative Provisions is amended to read as follows:

1. AUTHORIZED RETRIEVAL AND RESPONSIBILITY THEREFORE

A. ABATEMENT AND COSTS / BILLING. The City of Reading contractor for curbside trash removal is authorized to pick up, abate and/or remove violations of this Ordinance including but not limited to items not picked up by the properties contracted hauler, placement of bags for retrieval in excess of that permitted, dumping or items placed improperly. The City of Reading contractor for curbside trash removal shall obtain documentation of such violations and note the address thereof prior to retrieval of said violations. The contractor shall report the violations, provide proof thereof and the fact of their retrieval to the Manager or his/her designee City of Reading Solid Waste Division and/or Code Official assigned to the area from the violation was retrieved. The contractor shall additionally issue a bill to the City of Reading for the retrieval of the violations noting the date and address of the same. The City of Reading shall then issue a bill to the owner of the property from where the violation was retrieved for the costs it incurred to abate the violation. The City of Reading's contractor's removal of the violation and issuance of the City of a bill therefore shall not be exclusive remedy for abatement of such violations. The City reserves the right to undertake any additional action for such violation including but not limited to commencing any appropriate legal action to recover costs for the abatement and/or commencement of penalty proceedings as set forth herein.

B. MEANS OF APPEAL

1. Application for Appeal. Any person aggrieved by the aforesaid procedure to abate, bill and collect costs for abatement of violation of this Ordinance as set forth above in section 20-107 (1) (A) shall have the right to appeal to the Solid Waste and Recycling Appeals Board provided that a written application for appeal is filed within twenty (20) days after issuance of the bill for collection of costs for abatement of violation of this Ordinance per above. An application for appeal shall be on a form prepared and provided by the City. An administrative fee of Twenty-Five Dollars (\$ 25.00) shall be charged for each appeal.

2. Membership of Board. The board of appeals shall consist of two members of City Council and three citizens of Reading who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Solid Waste and Recycling Manager shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the governing body, and shall serve staggered and overlapping terms. *The term for citizen appointees shall be for a period of three years.*

2.1 Chairman. The board shall annually select one of its members to serve as chairman.

2.2 Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

2.3 Secretary. The City Clerk shall serve as Secretary to the Board. A detailed record of all proceedings *will be filed* in the office of the City Clerk for the City of Reading.

2.4 Quorum. A quorum shall consist of not less than two-thirds of the board membership.

3. Notice of Meeting. The Solid Waste and Recycling Appeals Board of Appeals shall meet upon notice from the chairman, within ten (10) days of the filing of an appeal, or at stated periodic meetings.

4. Open Hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Solid Waste and Recycling Manager and any person whose interests are affected shall be given an opportunity to be heard in accordance with speaking rules defined by the Board.

5. Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures

shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

6. Postponed Hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

7. Board Decision. The board shall modify or reverse of the City's enforcement officer only by a concurring vote of a majority of the total number of appointed board members.

7.1 Records and Copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Solid Waste and Recycling Division Manager.

7.2 Administration. The Solid Waste and Recycling Division Manager shall take immediate action in accordance with the decision of the board.

8. Court Review. Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction the manner and time required by law following the filing of the decision in the office of the City Clerk of the City of Reading.

9. Stays of Enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Ordinance as provided for in §20-107(1) (A).

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence, or clause of this ordinance is held, for any reason to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE PROVIDING A COST OF LIVING INCREASE TO THE FIRE
PENSIONERS RETIRING BEFORE JANUARY 2000 & THEIR BENEFICIARIES.**

SECTION 1. Providing a Cost of Living increase for Fire Pensioners retiring before January 2000 and their Beneficiaries, as approved at the March meeting of the Fire Pension Board. Increases will be provided as follows:

- Fire Pensioners retiring prior to January 1, 1980 and their beneficiaries shall receive a 13.16% pay increase
- Fire Pensioners retiring on or after January 1, 1980 but before December 31, 1984 & their beneficiaries shall receive a 9.08% pay increase
- Fire Pensioners retiring on or after January 1, 1985 but before December 31, 1989 & their beneficiaries shall receive a 7.17% pay increase
- Fire Pensioners retiring on or after January 1, 1990 but before December 31, 1994 & their beneficiaries shall receive a 4.97% pay increase
- Fire Pensioners retiring on or after January 1, 1995 but before December 31, 1999 & their beneficiaries shall receive a 1.99% pay increase
- Fire Pensioners retiring on or after January 1, 2000 & their beneficiaries shall receive a no pay increase.

SECTION 2. This amendment to the Fire Pension Benefit will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

(Fire Pension Board & Council Staff)

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE OFFICERS AND EMPLOYEES PENSION
ORDINANCE BY STRIKING ALL REFERENCES TO BENEFICIARIES.**

SECTION 1. Amending the Officers and Employees Pension Ordinance by striking all references to beneficiaries as follows:

- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1995 but before January 1, 2002 shall receive a 2% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1990 but before January 1, 1995 shall receive a 5% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1985 but before January 1, 1990 shall receive a 7% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring on or after January 1, 1980 but before January 1, 1985 shall receive a 9% pay increase
- Officers and Employees Pensioners ~~& beneficiaries~~ retiring before January 1, 1980 shall receive a 13% pay increase

SECTION 2. This amendment to the Officers and Employees Pension Benefit will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

(Pension Administrator & Council Staff)

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE POLICE PENSION ORDINANCE BY
PROVIDING FOR A COST OF LIVING INCREASE TO POLICE PENSIONERS
BENEFICIARIES.**

SECTION 1. Amending the Police Pension Ordinance by providing for a cost of living increase to the beneficiaries of Police Retirees receiving a police pension benefit as follows:

- Police Pensioners retiring prior to January 1, 1980 *and their beneficiaries* will receive a 13.16% increase;
- Police Pensioners retiring between 1/1/1980 and 12/31/1984 *and their beneficiaries* will receive a 9.08% increase;
- Police Pensioners retiring between 1/1/1985 12/31/1989 *and their beneficiaries* will receive a 7.17% increase;
- Police Pensioners retiring between 1/1/1990 and 12/31/1994 *and their beneficiaries* will receive a 4.97% increase;
- Police Pensioners retiring between 1/1/1995 and 12/31/1999 *and their beneficiaries* will receive a 1.99% increase; and
- Police Pensioners retiring between 1/1/2000 Present *and their beneficiaries* will receive a 0.00% increase.

SECTION 2. This amendment to the Police Pension Benefits will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 21 – STREETS AND SIDEWALKS BY INCREASING FEES AND
MAKING CORRECTIONS.**

THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Code of Ordinances Chapter 21 Streets and Sidewalks by increasing fees and making corrections, as stated in Exhibit A attached.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(Public Works Engineering & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 21 STREETS & SIDEWALKS

PART 1

LEVYING SPECIAL ASSESSMENTS FOR PUBLIC WORKS PROJECT

- §21-101. Findings and Purpose
- §21-102. Levy of Assessments
- §21-103. Qualified Costs
- §21-104. Purpose for Levying an Assessment
- §21-105. Director of Public Works Report
- §21-106. Public Hearing
- §21-107. Assessment Ordinance
- §21-108. Cost Estimates
- §21-109. Lots Already Served
- §21-110. Corner Parcels
- §21-111. Double Frontage Parcels
- §21-112. Private Alleys
- §21-113. Appeal
- §21-114. Waivers of Notice and Hearing
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PART 1

LEVYING SPECIAL ASSESSMENTS FOR PUBLIC WORKS PROJECTS

§21-101. Findings and Purpose.

1. **Findings.** The City of Reading has determined that there is a need for a funding mechanism to install and rehabilitate City streets, sidewalks, curbs, sewers, lights, water mains and alleys. A fair and equitable means to recover the costs of public works improvements by the City using its police powers to levy special assessments.

2. **Purpose.** It is declared to be the purpose of this Part to establish procedures and guidelines for levying special assessments against benefitted properties for the construction of public works improvements using the City's police powers as established by State law. (*Ord. 18-1998, 5/26/1998, §1*)

§21-102. Levy of Assessments.

Cost of installing or constructing any public work or improvement by the City may be charged under this Section in whole or in part to the property benefitted by such work or improvement and the Council may make an assessment against such benefitted property in the manner provided herein.

(Ord. 18-1998, 5/26/1998, §1)

§21-103. Qualified Costs.

1. Cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost, interest on bonds, a reasonable charge for services of administrative staff of the City and the cost of engineering and legal services and any other terms of direct or indirect costs which may be reasonably attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the City Council.
2. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property and for those representing an exercise of police power, the assessment shall be upon a reasonable basis as determined by City Council. (Ord. 18-1998, 5/26/1998, §1)

§21-104. Purpose for Levying an Assessment.

1. If the City determines that a proposed public works improvement must be performed for the health, safety and welfare of the public, the City shall have the power to levy special assessments to benefitted properties for the improvements and services provided. The City shall include the proposed project in the upcoming year's annual budget and capital improvement plan. The City may not proceed with the project engineering until after the budget and capital improvement plan is approved by the Council.
 2. The City may levy a special assessment for public works improvement if a simple majority of benefitted property owner's petition the City to perform a public improvement. This shall apply to streets, sidewalks, curbs, private alleys, street lights, water mains and sewers.
 3. For an alley improvement project to be included in the next budget year, the request must be submitted to the City Clerk by July 1 prior to the budget year. The alley projects shall be prioritized with other City projects and will be the City's sole discretion to determine scheduling for such an improvement.
- (Ord. 18-1998, 5/26/1998, §1)

§21-105. Director of Public Works Report.

The Director of Public Works report shall consist of the following:

- A. A copy of the preliminary or final plans and specifications of the proposed work or improvement.

- B. An estimate of the entire cost of the proposed work or improvement or the actual cost based on contracts awarded.
- C. A report that itemizes the estimated special assessment levy for each benefited property. (*Ord. 18-1998, 5/26/1998, §1*)

§21-106. Public Hearing.

1. The City shall hold a public hearing prior to taking action on an ordinance levying the special assessment. The Director of Public Works shall present the director of Public Works report to Council at the public hearing outlining all costs and applicable assessments.
2. Once the Director of Public Works has completed the Director of Public Works report and it is filed with the City Clerk, the Clerk shall set a hearing date. To give notice of the scheduled hearing, the Clerk shall publish in the official newspaper a notice that must contain:
 - A. A statement containing the nature of the proposed work or improvement.
 - B. A description of the general boundary lines of the proposed area to be assessed.
 - C. The time and place where the report can be inspected and cost.
 - D. The time and place at which interested parties, their agents or attorneys may appear to be heard concerning the proposed project.
3. Copy of the notice shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence at least 10 days prior to the hearing date. This includes all benefitted properties.
(*Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-107. Assessment Ordinance.

1. After the hearing, Council may approve, disapprove or modify the Director of Public Works report. After all modifications are complete, Council will by ordinance approve the plans and specifications contained in the report and authorize the following:
 - A. A direction that the public work or improvement shall be performed and special assessments shall be levied as indicated in the report or as modified after the public hearing.
 - B. The number and terms of any installment payments allowed, including number of installments, interest rates and when payments are due.
 - C. Provisions for collection of the assessment and any penalties to be imposed for failure to timely pay the assessment for any installment.
 - D. A statement that all assessments or installments if permitted which are not paid by the date specified shall be extended on the tax role as a delinquent tax and collected in the same manner as delinquent real estate taxes.

E. Terms and conditions of any allowed deferral of any assessment while no use are made of the improvement being financed thereby.

2. The ordinance shall be published in the official City newspaper and mailed to each affected person whose address is known or can be ascertained with reasonable diligence. (*Ord. 18-1998, 5/26/1998, §1*)

§21-108. Cost Estimates.

1. The Director of Public Works will determine the special assessment for each benefiting property. Costs shall be determined either by Engineer's estimate or by receiving actual bids depending on the situation. The actual assessment levy by final ordinance of the Council shall establish maximum assessment amounts to each individual property. If actual construction costs are less, the actual assessment may be less.

2. The actual cost of any project after completion or after receipt of bids is found to vary materially from the Engineer's estimates, the Council may reopen the special assessment.

3. When an assessment is to be reopened, notice similar to the original notice must be given and a public hearing conducted. After the hearing, the Council must pass an ordinance amending, confirming or canceling the prior assessment. The ordinance must be advertised once in official City newspaper and mailed to all interested persons in the same manner as the original final ordinance.

(*Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001*))

§21-109. Lots Already Served.

A parcel of lots which has been levied a special assessment for a similar public works improvement upon which it abuts, shall be entitled to an exemption for levying of a special assessment. Council may allow such an exemption from special assessment if it has been previously installed and services the property.

(*Ord. 18-1998, 5/26/1998, §1*)

§21-110. Corner Parcels.

1. For street improvement projects, when the special assessment are determined on a front foot basis and a corner parcel abuts the improvement, the assessment against the parcel shall be determined by applying a full per foot assessment rate along the abutting side.

When the improvement is installed abutting both the long frontage side and the short frontage side of the corner parcel, the assessment shall be determined by multiplying the full per foot assessment rate times the sum of the frontage of the short side plus the frontage of the long side less a deduction equal to 50 times the full per foot assessment.

2. For storm sewers, sanitary sewers and water mains, if a corner property abuts the improvement, but it cannot be connected to the main, then the property should be exempt from paying assessment. If the property will benefit from the improvement, then they shall pay an assessment, even if the property has been or will be assessed for as similar improvement on the other frontage.
(*Ord. 18-1998, 5/26/1998, §1*)

§21-111. Double Frontage Parcels.

1. When a special assessments are determined on a front foot basis and an improvement is installed along a frontage of a parcel which runs through an entire block and has frontage on two different streets or public rights-of-way and the Council, after investigation and report by the Director of Community Development, determines that under the provisions of the Zoning Ordinance [Chapter 27] it is possible to divide the parcel into two parcels on fronting on each street, the parcels shall be subject to an assessment for each frontage when the improvement abutting the frontage is installed. In such cases, the second assessment against such parcels shall be determined and treated as separate assessments.

2. If such parcel cannot be divided to create two parcels there shall be no assessment for the same benefit for the same type of improvement installed abutting the second frontage. (*Ord. 18-1998, 5/26/1998, §1*)

§21-112. Private Alleys.

1. Alley improvements may involve the removal and replacement of the roadway surface, improvement of drainage facilities and storm sewer, and the removal of trees and brush located within the easement area.

2. After the improvement is completed and the assessment is levied, adjacent homeowners shall continue to be responsible for care and maintenance of the improvement. (*Ord. 18-1998, 5/26/1998, §1*)

§21-113. Appeal.

Any person against where land is a special assessment is levied under this Section may appeal in a manner pursuant to 53 P.S. §1722.
(*Ord. 18-1998, 5/26/1998, §1*)

§21-114. Waivers of Notice and Hearing.

The Council may, without notice or hearing, levy and assess the whole or any part of the cost of any public works improvement as a special assessment upon the property benefited whenever notice and hearing is waived in writing by all property owners affected by such a special assessment.

(Ord. 18-1998, 5/26/1998, §1)

§21-115. Definitions.

As used in this Part, certain terms are defined as followed:

ASSESSMENT LEVY - an action by City Council ordinance to establish assessments for benefitted properties and ordering the City to collect such assessments.

DIRECTOR OF PUBLIC WORKS - a professional engineer, registered in the State of Pennsylvania, who has been appointed as the Director of Public Works or the Director of Public Works authorized representative.

FRONT FOOT ASSESSMENT - the length of a parcel of land abutting an improvement usually measured in feet or meters.

PRIVATE ALLEYS - a right-of-way legally described by an easement for the purpose of property access in the delivery of services. The property with which the easement is overlaid is owned and maintained by the adjacent property owners.

PUBLIC WORKS IMPROVEMENT - typical improvements projects for which special assessments are levied include:

- (1) Street and alley construction.
- (2) Curb and gutter installation.
- (3) Sidewalk construction.
- (4) Sanitary sewer installation.
- (5) Storm sewer installation.
- (6) Water main installation.
- (7) Street lights.

SPECIAL ASSESSMENT - charges levied by local government against real property to defray the cost of public works improvements which benefit such property.

(Ord. 18-1998, 5/26/1998, §1; as amended by Ord. 14-2001, 5/29/2001)

1Sidewalk Construction and Repairs - see Third Class City Code §3001 *et seq.*, 53 P.S. §38001 *et seq.*)

PART 2

SNOW AND ICE REMOVAL

§21-201. Definitions.

Except as herein otherwise defined, the terms used shall have the meanings ascribed to them in the Pennsylvania Vehicle Code. For the purpose of this Part, the following definitions shall prevail:

BUSINESS DAY - any day not a Sunday or Christmas, Thanksgiving or New Year, but all other holidays shall be considered business days.

BUSINESS HOURS - the hours between 7 a.m. and 9 p.m. on any business day.

DIRECTOR - the Director of Public Works.

PERSON - includes any person, partnership, copartnership, corporation, joint stock company, syndicate, tenant, property owner, real and personal, occupant, lessee or agent in control of any building.

ROADWAY - that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm shoulder.

SIDEWALK - that portion of a street or highway between the curb lines and the adjacent property lines or where there is no curbing between the lateral lines of the street or highway and the adjacent property lines.

STREET or HIGHWAY - the entire width between curbs or boundary lines of every way publicly maintained when any part hereof is open to the use of the public for the vehicular travel. (*Ord. 10-2004, 3/8/2004, §1*)

§21-202. Snow and Ice Removal from Sidewalks.

1. Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 36 inches in width and from an area within 36 inches of every fire hydrant on every sidewalk which is in front of or abuts on such building or lot of land; provided, however, that when such sidewalk is located along Penn Street or along North Fifth, North Sixth and North Ninth Streets between Penn Street and Washington Street, snow and ice shall be cleared from all of such sidewalks.

A. Except as provided in subsection .2 hereof, snow and ice shall be so removed from sidewalks in all business districts within the City by 2 business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

B. Except as provided in subsection .2 hereof, snow and ice shall be so removed from all other sidewalks within the City on the same day of the cessation of any fall of snow, sleet or freezing rain or within the first 4 hours of daylight after the cessation of any such fall, whichever period is longer.

2. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection .1 hereof, cause enough cinder or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in such sidewalk of at least 36 inches in width to be thoroughly cleaned. (*Ord. 10-2004, 3/8/2004, §1*)

§21-203. Snow and Ice Removal from Public Transportation Systems.

Every person operating a public transportation system within the City employing motor buses, trackless trolleys, trains or street cars, shall remove and clear away, or cause to be removed and cleared away, snow and ice from its passenger loading and unloading areas and its tracks, if any. Snow and ice from its passenger loading and unloading areas shall be removed and cleared away within the first 8 hours of daylight after the cessation of any fall of snow, sleet or freezing rain, except that if the snow and ice has become so hard that it cannot be removed without the likelihood of damage to the underlying surface, such operator shall within the 8 hour period, cause enough sand or other abrasive to be put on the passenger loading and unloading area to make walking thereon reasonably safe. He shall then, as soon thereafter as weather permits, cause such area to be thoroughly cleaned. (*Ord. 10-2004, 3/8/2004, §1*)

§21-204. Snow and Ice Removal from Roofs.

Every person in charge or control of any building or other structure within the City, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on such building or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but not later than the end of the first 6 hours of daylight after the cessation of any fall of snow, sleet or freezing rain. (*Ord. 10-2004, 3/8/2004, §1*)

§21-205. Depositing of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow or ice on or against a fire hydrant or on any sidewalk or roadway, or on any loading or unloading area of a public transportation system, except that snow and ice may be windrowed on public roadways, incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks. (*Ord. 10-2004, 3/8/2004, §1*)

§21-206. Noncompliance; Work by City; Cost Recovery.

1. In the event of the failure of any person to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk, as herein provided, or cause this to be done, the Director may as soon as practicable after such failure, cause such work to be done.
2. The Director shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this Section on account of each act or omission of each person, and he shall identify these persons with particularity.

3. Each person whose act or omission makes it necessary that the Director cause work to be done in accordance with this Section shall be liable to the City for the cost of such work plus any additional amount or penalty allowed by law which may be in addition to any fine or penalty imposed under §21-207. It shall be the duty of the City Solicitor to sue for these costs and penalties or place a lien against such person or property as may be in the best interests of the City.

(Ord. 10-2004, 3/8/2004, §1)

§21-207. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 10-2004, 3/8/2004, §1)

PART 3

CURB, DRIVEWAY, SIDEWALK AND SIDEWALK VAULT STANDARDS AND FEES

§21-301. Curb Permit, Survey and Fees.

1. **Curb Permit Required.** No person, firm or corporation shall set, reset or construct any curb until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued, the required regulation (survey) completed and the following fees paid.

2. Fees for Curb Line Regulation (Survey).

Feet Fee

0 to 24	\$50 <u>\$120</u>
25 to 49	\$80 <u>\$135</u>
50 to 99	\$100 <u>\$150</u>
100 to No Limit	\$100 <u>\$150</u> for 100 feet plus \$0.50 <u>\$1.40</u> a foot for every foot over 100 feet.

~~Second, Third and Fourth~~

~~Side~~

~~Repeat Rate~~

The above charges include the establishment of curbing alignment and elevation.
(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-302. Street Restoration Fees; Waiver Ahead of Paving.

1. **Street Restoration Fees.** Along with, and in addition to, the regulation (survey) charge, the applicant shall pay a fee of ~~\$2~~ \$16 for each linear foot of curb proposed to be constructed or reconstructed as payment for street surface repair. Where both curb and a 2 feet wide gutter are being replaced with standard curb, the fee shall be ~~\$6~~ \$32 per linear foot. Damage to the street surface extending more than ~~9 inches~~ 1 foot into the cartway for standard curb construction, or 2 feet for curb and gutter replacement shall be billed to the permittee on the basis of time and material required.

2. **Restoration Fee Waiver Ahead of Paving.** Where a street is scheduled for resurfacing or reconstruction in the current calendar year, the City may allow the contractor to backfill the trench to the street surface, including the application of 2 inches of compacted bituminous stockpile mix cover, and maintain it until the City operation begins, in lieu of payment of the restoration fee. To be eligible for the ahead of paving allowance, the contractor shall complete all work and remove all forms and equipment prior to the beginning of street resurfacing or reconstruction. Failure to properly maintain the trench or remove all forms and equipment as required shall be cause for the City filing streets restoration charges and/or other damages against the permittee/contractor as appropriate. Permits issued to include the ahead of paving allowance will be so marked.

(Ord. 30-1992, 4/8/1992)

§21-303. Curb Construction Requirements.

1. When excavating for curb construction or replacement, the permittee shall first cut a neat and straight line in the asphalt street paving, parallel to the curb line, with a saw or jack hammer. After excavating and constructing the curb, he shall immediately backfill the trench on the street side with 2A modified stone compacted in six inch layers to within 6 inches of the street surface. The trench on the property side shall also be backfilled immediately after construction but brought to grade and compacted with material similar to that removed. The permittee shall then notify the City Department of Public Works (~~telephone number 320-6237~~) (telephone number 610-655-6274) requesting inspection, and barricade the curb cut, including proper lighting, until the City restores the street asphalt surface.

2. When replacing curb constructed as monolithic curb and gutter, the contractor shall remove all curb and gutter encountered and backfill the street as described above.

3. Where the contractor encounters and damages the concrete base of a street when excavating for curb or curb and gutter construction, he shall re-establish the concrete

base and/or make other repairs as directed by the Director of Public Works. (*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-304. Building Line Survey Permit and Fees.

1. **Building Line Surveys.** No person, firm or corporation shall erect any building, structure or fence on the building line of any street on the topographical survey of the City until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued, a building line survey completed and the following fees have been paid.

2. Fees for Building Line Survey.

First Side: Feet Fee

0 to 24 <u>49</u>	\$50 <u>\$75</u>
25 to 49	\$ 80 (Remove)
50 to 99	\$ 100
100 to no limit	\$100 plus \$0.50 <u>\$1.00</u> a foot for every foot over 100 feet.

Second, third or fourth sides

Repeat rates

The above charges include the establishment of building line and building line elevation.

Note: The City does not establish or confirm property lines between parcels of privately owned real estate.

(*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-305. Driveway Permit and Fees.

1. **Driveway Permit.** No person, firm or corporation shall construct or reconstruct any driveway until an application made on City standard form accompanied by three copies of a detailed construction plan shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued and the following fees paid.

2. Fees for Driveway Permits.

A. Fees.

(1) Residential use to 24 feet wide \$ 100.

(2) Commercial/Industrial use to 36 feet wide \$ 200.

(3) Note: Where driveways span a property line and are intended for the joint use of two abutting properties, the permit fee of \$100 shall be charged to each of the users.

B. Reconstruction of Driveways.

- (1) Reconstruction of an existing driveway no previous permits \$ 50.
- (2) Reconstruction of an existing driveway previous permit on file \$5 \$50
(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-306. Sidewalk Vault Permit, Liability Agreement and Fee.

1. **Vaults Under Sidewalks; Permit and Liability Agreement.** No person, firm or corporation shall construct any vault, areaway, basement stairs or other structure under the sidewalk area until an application made on City standard form accompanied by two sets of construction plans shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a liability agreement executed, a permit issued and the following fee paid:

A. Fee for each vault, areaway, basement stairs or structure \$200.

2. Plans required to accompany applications shall include all dimensions and particulars of construction along with an analysis signed and sealed by a registered professional engineer, licensed in the State of Pennsylvania, confirming the bearing capacity and structural soundness of the sidewalk over the vault, areaway, basement stairs or other structure.

3. The applicant is also required to enter into an agreement with the City, as prepared by the City Solicitor, acknowledging the duties and responsibilities of the permittee.

The cost of recording such agreement to be paid by the permittee.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-307. Constructing, Repairing or Opening Sidewalks.

1. No person, firm or corporation shall construct, repair or open any sidewalk until an application made on City standard form shall have been filed with the Department of Public Works Permit Office (Room 306, City Hall), a permit issued and the following fee has been paid:

A. ~~Fee for repairing or opening and repairing sidewalk \$ 5~~ for reconstructing existing or constructing new sidewalk \$35

~~B. Fee for constructing sidewalk \$10. (Remove)~~

2. Where in the opinion of the Director of Public Works, the existing curb does not provide adequate control to define the horizontal location or elevation of the proposed sidewalk, or on property where there is no curb available to define sidewalk construction, the applicant shall also be required to obtain a curb regulation as described in this Part.

3. Special attention is called to the Section of the Act of Assembly of May 14, 1909, adopted and confirmed here, which provides as follows:

"All buildings shall be provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of such building

from injury. In no case shall the water from such leaders be allowed to flow upon the sidewalks, but the same shall be conducted by pipe or pipes to the storm sewer. If there is no sewer in the street upon which such building fronts, then the water from such leaders shall be conducted, by proper pipe or pipes, below the surface of the sidewalk to the street gutter."

4. The construction and installation of all rain leaders or stormwater piping shall also comply with all requirements of the City Plumbing Code [Chapter 5, Part 2].

(*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-308. Excavations.

1. Pennsylvania Law Act No. 172, effective June 10, 1987, 73 P.S. §176 *et seq.* places safety responsibilities on contractors when they excavate, demolish or blast. The City requires that its permittee's comply with this Act as a condition of issuance of its permits.

2. All work shall be conducted so as not to interfere with the water mains, sewers or their connection with houses until permission from the proper authority shall have been obtained.

3. During construction, excavated material shall be so confined so as not to impede traffic or be carried into any adjacent highways and all surplus materials must be removed at the earliest possible time. (*Ord. 30-1992, 4/8/1992*)

§21-309. Time Limit and Extension Request.

1. In case the work has not been completed before the date of expiration shown on the permit, the Director of Public Works may, arrange to complete the work and charge the cost thereof against the permittee. If an extension of time is requested for the completion of the work, written application for an extension of time must be filed and if an extension is granted, an additional fee of \$10 shall be charged therefore.

2. The Director of Public Works reserves the right to refuse the issuance of permits from November 1 to April 1, unless directed by Council to grant such permits. (*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

§21-310. Notice of Sidewalk Opening to Department of Public Works.

1. The ~~Director of (Remove)~~Public Works Office (~~telephone number 320-6237~~) (telephone number 610-655-6073) shall be notified when an opening in the sidewalk is to be made, and shall be further notified when the opening is to be backfilled and completed so that proper orders may be issued for the inspection thereof.

2. The opening shall be properly barricaded, lighted and protected by the permittee, who shall be liable for any injury or damage resulting from his negligence.

3. In case of emergency, the Director of Public Works Office shall be notified and work commenced immediately. The owner or responsible party shall file the necessary permit application with the Department of Public Works Permit Office (Room 306, City Hall) within 48 hours of beginning work.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-311. Work to Conform to City Requirements and Standards.

Work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City. If at any time it shall be found by the City that the work is not being done or has not been done as required, the permittee shall immediately take the necessary steps, at his own expense, to place the work in condition to conform to such requirements or standards.

In case any dispute arises between the permittee and the City Inspector, the City Inspector shall have the authority to suspend work until the question at issue can be referred to and be decided by the Director of Public Works.

(Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001)

§21-312. Adoption of Construction Plan Standards.

1. The following City plans including all drawing and written specifications contained thereon are hereby adopted as City construction standards for the items described.

2. The City reserves the right to require that construction on public or private sidewalks within the City conform to these standards.

Description Plan Number

Plan of drive-in across Sidewalk	5371
12 inch trench drain	5371A
Side outlet area drain	5371B
8 inch tangent and circular cement concrete curb	5389A
Cement concrete sidewalk	5389C
Construct or reset granite curb	5389G
Construct or reset brick Sidewalk	5389H
Pedestrian curb ramp	5442A
Pedestrian curb ramp	5442B

(Ord. 30-1992, 4/8/1992)

§21-313. Penalty Costs.

Any person, firm or corporation who breaks or cuts in any manner the surface of any sidewalk, removes curbing and/or sidewalk or does construction between the building

and curb line of any street in the City without having first obtained the proper permit, or who violates any of the requirements of this Part, shall upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days . Each day in which a violation shall occur or continue may be deemed a separate offense. In addition to the penalties provided herein, the City may recover attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder.

(*Ord. 30-1992, 4/8/1992; as amended by Ord. 14-2001, 5/29/2001*)

2Power to Regulate and License - see Third Class City Code §2650, 53 P.S. §37650.

PART 4

COMMERCIAL DRIVEWAYS

§21-401. Definitions.

As used in this Part, certain terms are defined as follows:

COMMERCIAL PARKING LOT - sometimes referred to hereinafter as an "off-street parking facility" means an area of vacant land set aside or used for off-street parking of automobiles or other vehicles on any time basis for which a fee is charged by the owner or operator to the users of such facility.

OWNER - the owner of the land on which the off-street parking facility is located. [*Ord. 41-1969*]

OPERATOR - such person, firm, corporation, partnership or any business or other entity

whether as lessee or owner who lets or rents an off-street parking facility on a time basis and for a fee. [*Ord. 41-1969*]

PERMANENT USE - any use as a commercial parking lot for more than 1 year

TEMPORARY USE - any use as a commercial parking lot for 1 year or less.

(*Ord. 11-1968, 2/28/1968, §1; as amended by Ord. 41-1969, 8/20/1969, §1*)

§21-402. Paving, Grading and Drainage Regulations.

1. All permanent commercial parking lots shall be paved with concrete or bituminous surface course or other hard surface in accordance with plans to be approved by the Director of Public Works so as to prevent dust and dirt to the greatest possible extent.

2. All temporary commercial parking lots shall be paved with crushed stone, slag or other semi-permanent surface of a similar nature in accordance with plans to be approved by the Director of Public Works.

3. All commercial parking lots shall be so graded and provided with such drains or gutters as shall prevent the accumulation and retention of surface water thereon, and such drains or gutters shall be installed in accordance with plans to be approved by the Plumbing Inspector.

(*Ord. 11-1968, 2/28/1968, §2; as amended by Ord. 14-2001, 5/29/2001*))

§21-403. License Required; Application and Fee.

1. On or after the effective date of this Part, all commercial parking lots shall be required to be licensed by the City, except any commercial parking lot owned and operated by the City. The annual fee for such license shall be \$5 per space with a \$25 minimum fee. Licenses shall be obtained at the office of the Building Inspector. [*Ord. 41-1999*]

2. There shall be two categories of licenses for commercial parking lots; permanent and temporary, in accordance with the character of the off-street parking facility. No license for a permanent commercial parking lot shall be granted unless the provisions of §21-402(1) and (3) have been complied with. No license for a temporary commercial parking lot shall be granted unless the provisions of §21-402(2) and (3) have been complied with. Temporary licenses shall not be renewable unless the owner or operator can show that the denial thereof would create an unnecessary economic hardship.

3. All applications for licenses shall be addressed to the Building Inspector; shall state the nature of the license sought; shall contain the location of the off-street parking facility, the approximate area thereof, the number of automobiles or other vehicles that can be parked or accommodated; and the nature and kind of surfacing on the premises. (*Ord. 11-1968, 2/28/1968, §3; as amended by Ord. 144-1990, 10/17/1990, §1; and by Ord. 41-1999, 12/27/1999, §1*)

§21-404. Violation.

1. Any person who operates, or any owner or lessee of land, whether it be an individual, partnership or corporation, who permits land owned or leased by it to be operated as a commercial parking lot, within the definition of this Part, without first having obtained the license required under §21-403 shall be deemed guilty of a violation of this Part.

2. Each day of such continued operation without such license shall be deemed and regarded as a separate and distinct violation of this Part.

(*Ord. 11-1968, 2/28/1968, §4*)

§21-405. Penalty.

Whoever operates a commercial parking lot, without first having obtained a license, as provided in this Part, on or after March 1, 1968, and whoever violates or fails to comply with the provisions of this Part shall be, upon conviction thereof, sentenced to a fine of

not more than \$1,000 plus costs and, in default of payment of said fine and costs, shall be imprisoned for not more than 30 days.

(*Ord. 11-1968, 2/28/1968, §5; as amended by Ord. 14-2001, 5/29/2001*)

3Power to Regulate Projections and Encroachments - see Third Class City Code, §2403, 53 P.S. §37403(17).

Power to Require Sidewalk Construction and Repair - see Third Class City Code, §3001, 53 P.S. §38001.

City to Construct on Failure on Owner - see Third Class City Code §3002 *et seq.*, 53 P.S. §38002 *et seq.*

Emergency Repairs - see Third Class City Code, §3003 *et seq.* 53 P.S. §38003 *et seq.*

PART 5

SIDEWALKS AND CURBS

§21-501. Permit Required for Curb and Sidewalk Work.

No person, firm or corporation shall set any curbing, set any building, open any sidewalk, lay new sidewalk or relay old sidewalk or construct any vault under a sidewalk, until a permit has been obtained from the Director of the Department of Public Works. The Director is authorized and directed to establish such rules and regulations, as he deems necessary, for the proper control of the operations permitted relative to the issuance of such permit, subject to the approval of Council. (*Ord. 42a, 2/11/1914, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-502. Permit Application.

Any applicant for a curb and sidewalk work permit shall first make written application to the Director of Public Works for a permit, setting forth the location where such work is desired and the purpose thereof.

(*Ord. 42a, 2/11/1914, §3; as amended by Ord. 14-2001, 5/29/2001*)

§21-503. Sidewalk Widths for Public Streets.

When any street or alley which now or hereafter is laid out, opened and dedicated to the public use, according to law in the City, it shall be the duty of the owners of lots or real estate abutting thereon, and they are hereby required upon notice from the Director of Public Works to construct sidewalks on each side of such street or alley, at their own expense, for the safety and convenience of the public, of the following width:

Street Name or Width (Ft.)	Sidewalk Width (Ft.)
-----------------------------------	-----------------------------

Penn St. from Fourth to Sixth Sts.	22
------------------------------------	----

80	16
----	----

60	13
50	10
40	8
30	6.5
20	2

The roadway of every street or alley shall remain as a passage way for vehicles and shall have a gutter on each side thereof. However, on front of vacant lots, a sidewalk of a width of 5 feet shall be deemed sufficient, which sidewalk shall be laid 2 feet from the curb line. (*Ord. 25-1889, 6/28/1889, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-504. Specifications for Paving Sidewalks and for Curbing.

Sidewalks shall be constructed and laid either with cement, bricks or dressed flat stones, and shall be secured with curbstones along the outside thereof, in manner as hereinafter prescribed, and according to the regulations of the City, sidewalks shall have a pitch of 3/8 of an inch to the foot, from the front line of the house or lot to the curb, and the cement bricks or flatstone used for laying or paving any sidewalk shall not be less than 2 inches in thickness. The flatstone shall be square blocks with an even surface on the top and closely joined to the curbs and to each other. The curbstones required to support such sidewalks shall be cut granite, sand, blue or limestones, and shall not be less than 20 inches in width, with an even bottom. Each stone shall be not less than 3 feet 6 inches in length, and the thickness thereof shall be not less than 4 inches. In streets of a width of 20 feet and less, curbstones 16 inches in width and 3 inches in thickness may be used. Sidewalks shall be laid in good sand of not less than 8 inches in depth and shall be excavated and filled with cinder to a depth sufficient to protect the same from frost. In all cases where the street pavement is constructed and composed of the following improved street pavements: granite block, asphalt block, sheet asphalt and vitrified brick, the curbing used in and along all of such properties abutting on such improved pavements shall consist of granite curbing of not less than 5 inches, 20 inches in depth and 4 feet in length. The curbing shall be properly faced and jointed, set in a firm bed of not less than 6 inches of sand, gravel or such material as the Director of Public Works shall approve and backed up to the top of the stone by not less than 4 inches of the same material, except that the use of concrete is permitted in lieu of granite for the construction of curbs set to the lines of circular arcs for the rounding of street intersections as provided by §21-513(1). (*Ord. 23-1954, 4/28/1954, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-505. Notice to Recurb and Relay Sidewalks.

It shall be the duty of the owners of lots or real estate abutting any street or alley to recurb, repave or relay the sidewalks whenever authorized by Council and when required upon notice from the Director of Public Works.
(*Ord. 25-1889, 6/28/1889, §3; as amended by Ord. 14-2001, 5/29/2001*)

§21-506. Sidewalks for Dedicated Streets.

When any street which now or hereafter is opened in the City over any private land by the owners thereof, and is dedicated to or permitted to be used by the public, it shall be the duty of the owners of lots or real estate abutting thereon, and they are hereby required upon notice to construct and maintain sidewalks on each side of such street at their own expense, in such manner as is prescribed for sidewalks upon the public streets by §21-503 under the supervision and direction of the Director of Public Works.
(*Ord. 25-1889, 6/28/1889, §4; as amended by Ord. 14-2001, 5/29/1001*)

§21-507. Paving and Repair of Driveways Required.

When any driveway crosses the sidewalk of any street or alley, within the City, for the purpose of passing to and from such street or alley to any lot or building, it shall be the duty, and it is hereby required, upon notice from the Director of Public Works that the owners of lots abutting or adjoining such street shall pave and curb the same, at their own expense, in such manner as the Director shall require, and keep the same in repair.
(*Ord. 25-1889, 6/28/1889, §5; as amended by Ord. 14-2001, 5/29/2001*)

§21-508. Duty of Owner to Construct and Repair at Own Expense.

Owners of property abutting on any public street shall, at their own expense, construct, pave, curb, repave and recurb the sidewalks and keep the same in good repair along such property. (*Ord. 37-1914, 6/24/1914, §1*)

§21-509. Work by City for Failure to Comply with Notice.

Upon failure of any owners to construct, pave, curb, repave or recurb sidewalks or keep the same in good repair within 10 days after written notice by the Director of the Department of Public Works the works shall be done forthwith by the City of Reading, and the expense thereof, with costs, shall be levied and collected from such owners according to law.
(*Ord. 37-1914, 6/24/1914, §2; as amended by Ord. 14-2001, 5/29/2001*)

§21-510. Cost Collection by Action at Law or Filing Lien.

The amount of expense so levied shall be a lien upon such premises from the time of the commencement of the work by the City. Such date shall be fixed by the Director of

Public Works and filed with the City Clerk, and may be collected by action at law or a lien may be filed and proceeded in according to law.

(*Ord. 37-1914, 6/24/1914, §3; as amended by Ord. 14-2001, 5/29/2001*)

§21-511. Concrete Curb Specifications.

Concrete curbing shall be permitted to be constructed along the sidewalks of the City and the material used in such construction shall be as follows:

A. Excavations shall first be made to a depth not less than 2 feet 6 inches from the top of the finished curb and in width not less than 1 ¼ times the width of the curb on the top surface thereof, when finished.

B. The materials thereof, which shall be of a quality satisfactory to the Director of Public Works and the Director of the Department of Public Works, shall consist of American Portland cement, clean sharp sand, and crushed stone or slag which shall be hard, clean and free from dust or earth, run of the crusher, not exceeding 1 inch in its largest dimension.

C. The proportions of mixture for concrete shall not be less than one part of cement, three parts of sand and five parts of crushed stone or hard slag and for mortar for the finishing coat, not less than one part of cement and no more than two parts of sand.

D. The mixing, if done by hand labor, shall consist of first mixing the cement and sand dry until a uniform color of mixture is secured, after which the crusher stone shall be added, then wetted and turned over until every particle is thoroughly coated with mortar. Sufficient water shall be used, so that only moderate tamping is required after the concrete is placed, if done by machine the method shall be approved by the Director of Public Works .

E. The mortar for the surface or finishing coat shall be applied with the concrete itself by exercising care in placing the concrete against the forms employed so as to push back the larger particles in the mixture by use of a wide pronged fork, and by tamping the large particles down gently below the top surface. Any small quantity of mortar that may be required for the finishing, shall be applied while the concrete is wet and only enough to smooth the surface.

(*Ord. 48a, 2/25/1914, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-512. Curb Thickness and Width.

1. No concrete curbing shall be less than 8 inches on the top thereof, nor the thickness from the bottom of excavation to the grade line of the street less than 9 inches, where the top does not exceed 8 inches. It is the intent and meaning of this Section that the thickness of the concrete shall in all cases be determined by the width of the top of the curb when finished, and that the bottom of excavation to the grade line of the street, it shall not be less than 1 ¼ times that of the top of curb as aforesaid.

~~2. The top width of the concrete curbing on streets more than 60 feet wide shall not be less than 8 inches and on all other streets shall not be less than 6 inches and shall be in conformity with the plan on file in the office of the Director of Public Works marked "Cement Concrete Curb" attached hereto and made part of this Section. (Ord. 48a, 2/25/1914, §§2,3; as amended by Ord. 14-2001, 5/29/2001)(Remove)~~

§21-513. Radius Curbs.

1. All new curbs set and all curbs reset at intersections or projecting angles of streets shall be set or reset to the lines of circular arc, tangent to curb lines, of the greatest radii possible that will not reduce the width of the sidewalk at any point to less than that of the sidewalks of the lesser widths. The curb opposite the projecting angle shall have a circular arc tangent to curb lines of the greatest radius possible, that will not reduce the width of the roadway at any point to less than that of the roadway of lesser width.

[Ord.9-1923]

2. The radii of all curbs reset at intersections of streets where traffic regulations do not permit vehicular traffic to turn corners, shall be determined by the Director of the Department of Public Works with the approval of the Director of Public Works .This subsection shall apply only as long as traffic regulations do not permit such vehicular traffic turns, otherwise subsection (1) hereof shall apply and shall remain in full force and effect. [Ord. 17-1955]

(Ord. 9-1923, 2/7/1923, §1; as amended by Ord. 17-1955, 5/25/1955, §§1, 2; and by Ord. 14-2001,5/29/2001)

§21-514. Projecting Porches, Areaways or Steps; Cellar Doors.

1. No person, firm or corporation shall make or set up or cause to be made or set up or reset on Penn Street, any porch, areaway or step, which shall extend beyond the building line as fixed by the topographical survey of the City of Reading .

2. No person, firm or corporation shall make and set up or cause to be made or set up or reset areaways extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front to Eleventh Streets and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut to Walnut Streets in the City as fixed by the topographical survey of the City of Reading.

3. It shall be unlawful to erect, reset, repair, use and maintain cellar doors extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front to Eleventh Streets, and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut to Walnut Streets in the City of Reading, until a permit for such cellar door has first been obtained from the Department of Public Works subject to the following

limitations, restrictions and conditions which shall be prescribed by the Director of Public Works

A. No permit will be issued for the setting, resetting or repairing of any cellar door on the above listed streets until there has been executed a vault or areaway agreement covering the vault or passage way under the sidewalk leading to such cellar door.

B. No permit will be issued for the setting, resetting or repair of any cellar door on the above listed streets until the property owner files with the City Clerk a public liability bond of \$10,000 to \$20,000 limit, naming the City as a party assured. Such bond shall be kept in force as long as the cellar door remains in existence.

C. Plans of proposed construction shall be submitted by the property owner, showing location and type of construction of vaults and cellar doors, which shall be approved by the Director of the Department of Public Works, and the Director of Public Works prior to the issuance of any permit for such work.

D. Not more than one cellar door for each property shall be permitted on sidewalks of the above listed streets.

E. All cellar doors shall be of steel, no larger than 4 feet by 5 feet flush with sidewalk grade and have no projections or depressions beyond the uniform grade of sidewalk, except those necessary to produce a nonskid surface. They shall be arranged so they can be opened and closed only from the outside or sidewalk area, and shall be provided with approved guards to protect pedestrians during the entire period the doors are not firmly closed.

F. The nearest edge of new cellar door construction shall be at least 3 feet from the center line of any fire hydrant and at least 3 feet from the building line of any intersecting street.

G. Cellar doors and vault covers shall be designed for a concentrated live load of 800 pounds or for a uniform distributed live load of 250 pounds per square foot over the entire area, whichever produces the greatest stress. Top slabs shall be of a minimum thickness of 6 inches of reinforced concrete even though a more shallow depth will resist the design stresses.

H. Repairs to existing cellar ways or sidewalks of the above listed streets may be made by installing new steel cellar door frames and doors at present locations.

I. The use of cellar doors at all times shall be subject to regulations by the Department of Police. (*Ord. 32-1953, 11/18/1953, §§1-3; as amended by Ord. 14-2001, 5/29/2001*)

§21-515. Openings in Sidewalk to be Covered or Guarded.

All owners or property which have an underground alley or open passageway occupying a portion of the City sidewalks shall have the same protected or guarded by

a covering of substantial material, or guarded in order to avoid danger likely to arise by reason of such openings being unguarded.

(*Ord. 25-1889, 6/28/1889, §1*)

§21-516. Penalty.

1. Whoever violates any provision of this Part where another penalty is not otherwise provided shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

2. Whoever violates any provision of §21-514 shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days and shall forthwith remove or cause such porch, step, areaway or cellar door to be removed. (*Ord. 42a, 2/11/1914, §4; as amended by Ord. 32-1953, 11/18/1953, §4; and by Ord. 14-2001, 5/29/2001*)

PART 6

RADII OF CURB LINES AT STREET INTERSECTIONS

§21-601. Radii Established.

1. The following radii be established for intersections of curb lines to minimize danger and avert congestion of traffic.

2. The radii of the circular areas of curb lines connecting the adjoining straight or tangent curb lines at points of projected intersection, in all cases shall be those of tract circles and the lengths of such radii to be governed as follows:

A. Curb lines which intersect at an angle of 90 degrees or right angel and which are:

(1) Adjacent to sidewalks either of which is greater than 10 feet in width shall be joined at such intersection by a circular arc the radius of which shall be 8 feet.

(2) Adjacent to sidewalks which are between 6 ½ feet and 10 feet, inclusive, in width, shall be joined at such intersection by a circular arc the radius of which shall be 6 feet.

(3) Adjacent to sidewalks which are between 2 feet and 6 ½ feet, inclusive, in width, shall be joined at such intersection by a circular arc the radius of which shall be 3 feet.

B. Curb lines which intersect at an angle other than 90 degrees or a right angle shall be joined at such intersection by simple circular arcs the radius of which shall be determined as described on plan No. C-77 of the Department of Public Works of the City of Reading, entitled "Plan Illustrating Rule for Determining Curb Radii," dated

April, 1916, which shall be on file in the office of the Director of Public Works. (*Ord. 43-1916, 5/13/1916, §1; as amended by Ord. 14-2001, 5/29/2001*)

§21-602. Conformance.

From and after the passage of this Part, all new curbs set and all curbs reset shall conform to said radii. (*Ord. 43-1916, 5/13/1916, §2*)

PART 7

STREET OCCUPANCY PERMITS

§21-701. Purpose.

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curb lines thereof, until a permit is obtained from the Department of Public Works, Division of Engineering. (*Ord. 7-2004, 2/23/2004, §2*)

§21-702. Application.

1. Applications to break the pavement or surface of any legally open streets shall be made on the form provided by the Division of Engineering, shall include all information requested and shall be signed by the applicant.
2. Applications shall also be accompanied by a permit fee of \$10 and a payment to defray the cost of street restoration by the City of Reading in accordance with the following listing unless otherwise stipulated.

Street Class	Proposed Fee Not	Proposed Fee for Each
	To Exceed 5 SY	Additional Square Yard
		Over 5 SY
Class A	\$120	\$60
Class B	\$120	\$60
Class C	\$100	\$50
Class D	\$40	\$20
Class E	\$40	\$20

*Proposed Fee Not
to Exceed 5 S.Y. \$140/s.y.*

*Fee for Each
Additional Square
Yard Over 5 S.Y. \$110/s.y.*

(*Ord. 7-2004, 2/23/2004, §§3, 4*)

§21-703. Charged Surface.

In computing the square yards of the surface to be charged, 9 inches shall be added to all sides of the proposed cut. All fees and charges shall be paid or a legally binding letter of agreement accepted by the City before the issuance of the requested permit. (*Ord. 7-2004, 2/23/2004, §5*)

§21-704. Permits for Pavement Cuts.

Permits for pavement cuts on streets paved within 5 years from the date of application for the cut shall be issued at the following additional costs; 100 percent additional for the current year and the first year; 80 percent additional second year; 60 percent additional for third year; 40 percent additional for fourth year; and 20 percent additional for the fifth year of service. (*Ord. 7-2004, 2/23/2004, §6*)

§21-705. Site Conditions.

Where in the opinion of the City Engineer and at his sole discretion site conditions are such that additional effort is required to protect the integrity of the City's streets, the permittee may be required to perform additional work and pay additional costs. This option could include permanent restoration of the street surface by the applicant along with payment of all above stipulated fees and charges; or the reconstruction and/or street break or cut at the permittee's expense. Where additional work is required a legally binding "letter of agreement" acceptable to the City shall be provided by the applicant before issuance of the permit. (*Ord. 7-2004, 2/23/2004, §7*)

§21-706. Inspection.

Upon inspection, if it be determined that the applicant actually removed, disturbed or damaged, either in the initial or subsequent restoration, an area of yardage greater than that set forth in his/her application, the applicant shall forthwith pay a proportionate amount to be fixed by the Department of Public Works, Division of Engineering within 3 days after demand thereof shall be made in writing. (*Ord. 7-2004, 2/23/2004, §8*)

§21-707. Permits.

No permit shall be issued to any person, firm or corporation indebted to the City because of any previous application or permit. This permit is issued subject to all Ordinances of the City of Reading, all State and Federal laws and to the following conditions:

A. **Bore Holes.** Bore holes will be considered street cuts and a charge of \$5 will be levied for each bore hole made. A permit will be required for each bore hole

grouping. The applicant shall plug or seal bore holes, in a manner and with materials approved by the City Engineer, to the street surface within 30 days of boring. If the applicant does not plug or seal these holes within the given time, the City of Reading reserves the right to take any steps deemed necessary to repair the street and the associated costs shall then be paid by the permittee.

B. Emergency Cuts. Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in advance of a permit at the discretion of the party or parties conducting the investigation and repairs. If the investigation indicates an emergency condition exists, the City's Police Division shall be notified immediately at (610) 655-6111, otherwise, an authorized representative of the responsible party(s) shall notify the Department of Public Works, Division of Engineering, at (610) 655-6237 the next business day, and proper application accompanied by appropriate fees or a legally binding letter of agreement shall be submitted to the City within 7 days of commencing the work.

C. Ahead of Paving Permit. Permits for street cuts performed in advance of City of Reading scheduled street improvements at the same location, where the required work is completed in accordance with a schedule approved by the City Engineer, will be charged at the rate of \$10 per block and/or street intersection. A detailed construction plan must accompany each application for an "Ahead of Paving Permit." Excavation, backfilling and temporary street cut restoration will be performed by the permittee at his/her cost as directed by the City Engineer.

D. Subsurface Plans. Upon completion of work, the permittee shall furnish to the City Engineer completely dimensioned plans showing accurately and distinctly, and in such detail as required, the size, shape and kind of structure he/she has installed or altered and its location with reference to the street surface and the nearest curb line and curb intersection. No refunds will be allowed until such plans have been furnished and accepted.

E. Time Limit. In case the work has not been completed on or before the date as shown on the permit, the City Engineer may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit had been issued. If an extension of time beyond said date is necessary for the completion of the work, a written application therefore must be filled, and if an extension be granted, an additional fee of \$10 per month, or a fraction thereof, will be charged.

F. Excavation; Notice. Pennsylvania law (Act No. 172, effective June 10, 1987) requires those who intend to excavate, demolish or blast to file certain notices (One Call, etc.) before commencing work. Applicants for permits to break the pavement or surface of any legally open street shall comply with all the

requirements of this Act and the City of Reading permits issued where this obligation has not been met shall be deemed null and void.

G. Trenches in paved areas shall be cut to a neat edge using an asphalt/concrete saw or jackhammer.

H. **Barricade Cover and Lighting.** All street openings shall be completely barricaded and protected by the permittee. Excavations left open or incompletely repaired after dark shall be marked by PADOT approved flashing lights. Where work is interrupted the person responsible for the opening shall secure and cover the excavation with an appropriate metal plate. Nothing contained in this Part or other legislation of the City of Reading shall release the person or persons opening the street from all liability associated with claims for injury or damage resulting therefrom.

I. **Backfilling.** Materials excavated in conjunction with street cuts should be promptly hauled away and shall be removed before nightfall. The permittee shall arrange for the immediate repair of the effected utility and backfill the trench without delay. Backfill material shall consist of 2A modified stone placed and properly tamped or vibrated in 6-inch lifts to within 2 inches of the abutting surface unless other materials and procedures are specifically approved by the City Engineer.

J. **Paving Restoration.** Immediately following backfilling and compaction the permittee shall apply ID-2A bituminous surface material (or cold patch if hot mix is not available) to a minimum dept of 2 inches and compacted to the level of the abutting surface. The surface material shall be tamped with a gravity roller or vibrating compactor subject to the approval of the City Engineer. The permittee shall maintain the restoration by re-excavating and/or applying additional surface material in order to provide a smooth riding surface for a period of 1 year after restoration or until the City provides a permanent surface repair. Repairs shall be made by the permittee within 24 hours notice by the City and by accepting a street cut permit, the permittee acknowledges his/her liability for maintenance of the cut whether or not he/she is notified by the City to perform additional work.

K. **Notice to Beginning Work.** The Department of Public Works, Division of Engineering, shall be notified at (610) 655-6237 or (610) 655-6073 when the opening in the pavement is to be made, and shall be further notified when a cut is to be backfilled and completed, so that the proper instructions may be issued for permanent pavement replacement.

L. **Work for the City of Reading.** Permit will be required of contractors doing work of this nature for the City of Reading although all regular fees and charges for said work are waived.

M. **Work to Conform to the City of Reading Standards.** The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall

conform to all requirements and standards of the City of Reading. If the City of Reading discovers that the work has been discontinued or has not been properly performed, the permittee, upon being notified thereof in writing by the City of Reading, shall immediately take all necessary steps, at his or her own expense, to place the work in such condition, as to conform to the City's requirements or standards. If a dispute arises between the permittee and the City of Reading's inspector, the City of Reading's inspector shall have the authority to suspend work until the matter can be referred to and be decided by the City's Engineer.

N. **Additional Inspection Fees.** If the City of Reading determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead and expenses incurred by the City of Reading for inspection. (*Ord. 7-2004, 2/23/2004, §9*)

§21-708. Penalties.

Any person, firm or corporation who breaks or cuts in any manner the surface of any street of the City without first having obtained the proper permit and paid the application fee and charges hereinbefore set forth, including any extension fee, or violates any of the other provisions of this Section shall, upon conviction before District Justice, be sentenced to pay a fine not exceeding \$300 for each offense, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations, violating the provisions of this Section, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days. (*Ord. 7-2004, 2/23/2004, §10*)

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Authorizing the submission of a letter requesting that the Federal Office of Economic Adjustment approve the City of Reading Local Redevelopment Authority (LRA) and allow the City to be named as the successor to the Berks County LRA, formed to handle the Navy Marine Corps Reserve Center, located on Kenhorst Boulevard within the City of Reading, identified for closure by the Base Realignment and Closure Commission.

Adopted by Council on _____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk